

EXHIBIT E

Terri Pechner-James

June 22 Deposition Excerpts – Red Herrings

Argumentative, Combative, Refusal to Answer, Non-responsive, Evasive

1. Pages 1612 – 1614:

22 Q. Did you like working in the radio

23 room?

24 A. Yeah.

1 Q. What did you like about it?

2 A. I don't know.

3 Q. I'm sorry?

4 A. Liked working my job, period, no

5 matter where it was.

6 Q. Okay. So the radio room portion of

7 that job was a part of it that you enjoyed?

8 I'm not saying exclusively, but you did enjoy

9 that part of the job?

10 A. I enjoyed my whole job when I was

11 not under stress.

12 Q. Okay. And my question was, What

13 in particular about working in the radio room

14 did you like? What things that you did there

15 did you like doing?

16 A. I don't know.

17 Q. When you were working in the radio
18 room, you would be involved in dispatching,
19 correct?

20 A. Correct.

21 Q. And you would also be involved in
22 answering the phones?

23 A. Correct.

24 Q. Would you also be involved in
1 talking with citizens at the window?

2 A. Yes.

3 Q. Okay. Did you enjoy all three of
4 those aspects of working in the radio room?

5 A. Yes.

2. Pages 1614 – 1619:

10 Q. All right. Let me put the
11 complaint back in front of you, Exhibit 3 to
12 the deposition, ask you to look at
13 paragraph 30, please.

14 A. (Looks at document.)

15 Q. Have you reviewed paragraph 30?

16 A. Yes.

17 Q. What stressful condition had

18 Lieutenant Foster created on August 4, '99?

19 I'm looking at the first sentence of

20 paragraph 30.

21 A. I don't remember.

22 Q. In the third line, at the far

23 right-hand side where it says Lieutenant

24 Foster, do you see that? Lieutenant Foster,

1 sentence carries over to the next line. Do

2 you see that?

3 A. Yeah.

4 Q. "Lieutenant Foster called plaintiff

5 at home and ordered her back to the station."

6 When he called you at home, did he

7 call you on your home phone or call you on

8 your radio?

9 A. We've already discussed this.

10 Q. Okay. Well, I don't recall so --.

11 The answer to my question is what?

12 A. He didn't call me on the phone.

13 Q. So he called you on the radio?

14 A. Captain Roland called me on the

15 radio.

16 Q. So the complaint is inaccurate here

17 where it says Lieutenant Foster?

18 A. Correct.

19 Q. All right. Now, looking at your
20 notes on page 12, I direct your attention to
21 your notes, page 12, the big paragraph at the
22 top half begins on August 4, 1999, do you see
23 that?

24 A. Yes.

1 Q. In your notes, you indicate that
2 you returned to the station at 3:30 P. M., you
3 put your briefcase into your car, you went
4 into the station to begin entering your
5 citations. Do you see that?

6 A. Yes.

7 Q. It then states that you began to
8 feel very faint and told Francis Cassoli
9 (phon). Do you see that?

10 A. Yes.

11 Q. Do you recall why you were feeling
12 faint at about 3:30 P. M. on August 4, '99?

13 A. No.

14 Q. Were you feeling faint because of
15 something that Lieutenant Foster had done that

16 day?

17 A. I don't remember.

18 Q. Were you feeling faint because of
19 something Lieutenant Foster had done some day
20 previously?

21 A. I don't remember.

22 Q. Okay. Were you feeling faint
23 because of some stress related to the job?

24 A. I don't remember. Yes, I was sick.

1 Q. Okay. So is it fair to say that
2 the allegation in the first sentence of
3 paragraph 30 is incorrect?

4 MR. DILDAY: Objection.

5 A. No.

6 Q. I'm sorry?

7 A. No.

8 Q. So as you sit here today, you're
9 telling me that, in fact, you were feeling
10 faint because of the stressful condition
11 created by Lieutenant Foster on August 4 of
12 '99?

13 A. I don't remember.

14 Q. So you can't tell me whether or not

15 the first sentence in paragraph 30 is true or

16 not, can you?

17 MR. DILDAY: Objection.

18 A. I don't remember what happened that

19 day.

20 Q. Okay. So the answer to my question

21 is correct. You can't tell me whether or not

22 the first sentence of paragraph 30 is true or

23 correct?

24 MR. DILDAY: Objection, again.

1 A. No.

2 Q. Is there anything in your notes

3 here, particularly the August 4 entry, which

4 in any way suggests that Lieutenant Foster

5 created a stressful condition that made you

6 feel faint?

7 A. Created a stressful condition every

8 day I went to work with him.

9 Q. Every single day?

10 A. Every day.

11 Q. Every day from '96 to '97 before

12 you transferred off?

13 A. Yes.

14 Q. And every day from when you got

15 back on his shift in July of '99 until

16 whenever?

17 A. Yes.

18 Q. Okay. And so what had Lieutenant

19 Foster done as of August 4, '99 that made you

20 feel faint at 3:30 in the afternoon?

21 MR. DILDAY: Asked and answered.

22 A. What I --

23 Q. And the answer is you don't know,

24 correct, or don't remember?

1 A. I don't remember.

3. Pages 1625 – 1627:

1 Q. Do you understand the assignment to

2 the radio room to be an actual punitive

3 assignment for some violation that occurred

4 the day before?

5 A. He allowed his daughter to leave

6 every single day early --

7 Q. No. Ms. Pechner, that's not the

8 answer to the question.

9 A. No. That's not the answer that you

10 don't want.

11 Q. No. Ms. Pechner --

12 A. Okay?

13 Q. The question --

14 A. You asked me a question and I'm

15 answering it.

16 Q. No, you are not answering it.

17 MR. PORR: Mr. Dilday, that is not

18 responsive. It isn't evenly remotely

19 responsive.

20 MR. DILDAY: She's telling you how

21 she considers it to be punitive. She's going

22 to tell you that he allowed his daughter to

23 leave early, but he never assigned her

24 anywhere differently. But when she left early

1 because of illness, he assigned her to a

2 different shift.

3 MR. PORR: Well, it's the same

4 shift. He just assigned her to the radio

5 room.

6 MR. DILDAY: I'm sorry. You're

7 right.

8 Q. So Mr. Dilday represents that what

9 you were going to tell me was, Lieutenant
10 Foster would let his daughter leave early, but
11 never assigned her to the radio room, but when
12 you left early, he assigned you to the radio
13 room, correct?

14 A. Right.

15 Q. And you considered that to be
16 punitive?

17 A. Yes.

18 Q. Okay. Did you consider it to be
19 punitive in the sense of a disciplinary action
20 taken against you?

21 A. Disciplinary because he only did it
22 to me as a female. He did not do it to
23 anybody else when they left. There were cars,
24 dates, there were cars, people would leave
1 early, people would go to their details 15
2 minutes early, people would go to the school
3 early. This was another attack against me
4 from Lieutenant Foster.

5 Q. Okay.

6 A. All the other supervisors didn't
7 have a problem. They knew I was leaving.

8 Q. On August 5th, did you consider
9 this to be an attack against you by Lieutenant
10 Foster?

11 A. Yes.

12 Q. Okay. The attack, did you consider
13 it to be a disciplinary attack in terms of
14 discipline for misconduct on your part?

15 A. No. It was to humiliate me.

16 Q. So you didn't consider it to be a
17 disciplinary action for some act of
18 misconduct?

19 A. No.

4. Pages 1629 – 1630:

18 Q. Why was it humiliating to be
19 assigned to the radio room?

20 A. Because of the way Lieutenant
21 Foster stormed in there with the television.
22 Lieutenant Foster was intimidating me. He was
23 humiliating me. So find something else
24 because you have all the notes here and you
1 can grab everybody you want and talk to them

2 about the way Lieutenant Foster treated me.

3 Q. Storming into the radio room was a
4 month before.

5 A. There was no storming into the
6 radio room. That's Lieutenant Foster's idea
7 of storming into the radio room.

8 Q. No. I thought you said he stormed
9 into the radio room on July 5th.

10 A. No. It says in there that I
11 stormed out of roll call into the radio room.
12 That's what Lieutenant Foster put.

13 Q. My point is, why, on August 5th of
14 '99, was being assigned to the radio room
15 humiliating?

16 A. And I've answered that question.

17 Q. I'm sorry. I didn't understand the
18 answer then. If could you please restate it.

19 A. I've already answered it.

5. Pages 1631 – 1632:

15 Q. Is it your contention that on
16 August 7th you were again assigned inside for
17 punishment?

18 A. Whatever you'd like to call it.

19 Q. No. I'm asking, is it your

20 contention?

21 A. That I was punished because I was

22 sick and I went to the nurse's office? That's

23 mine.

24 Q. My question is, was it -- is it

1 your contention that the August 7th assignment

2 to the radio room was punishment?

3 A. Because I left sick?

4 Q. For whatever reason.

5 A. I don't know. I don't know.

6 Q. Well, it was my understanding you

7 considered the August 5th assignment to the

8 radio room to be punishment, correct?

9 A. Whatever Lieutenant Foster did to

10 me was punishment.

11 Q. So both the August 5th and the

12 August 7th assignments to the radio room were

13 punishment as far as you were concerned?

14 A. (Looks at documents.)

15 Q. Yes? No? Do you not understand

16 the question?

17 A. (Looks at documents.) No. Can you

18 ask it again?

19 Q. So both the August 5th and the

20 August 7th assignments to the radio room were

21 punishment as far as you were concerned?

22 A. Yes.

6. Pages 1650 – 1653:

14 Q. Looking at the next entry, it's an

15 August 12 entry, indicates you're standing in

16 the rear of the station and you're standing

17 there with Officer John Goodwin and you

18 observed Officer Anthony Macone leaving 15

19 minutes early. Do you see that?

20 A. Yes.

21 Q. Do you know why Officer Macone left

22 15 minutes early?

23 A. No.

24 Q. Do you know if he had cleared that

1 with any supervisor?

2 A. No.

3 Q. So as far as you know, he may have

4 been within his rights to have left 15 minutes

5 earlier that day?

6 A. No.

7 Q. I'm sorry?

8 A. No.

9 Q. Why do you say that?

10 A. I'm not going to guess whether he
11 spoke to his supervisor or he didn't.

12 Q. Right. So you have no idea one way
13 or the other?

14 A. I watched every day people leave
15 early. They didn't speak with a supervisor.

16 Q. I'm talking about the August 12th
17 entry in your notes and Officer Macone.

18 A. Right.

19 Q. You have no idea why he left 15
20 minutes early that day?

21 A. Maybe went to a detail.

22 Q. But you don't have any idea. You
23 don't know, do you?

24 A. No.

1 Q. And you don't know whether or not
2 he got that cleared through his supervisor, do
3 you?

4 A. I don't know.

5 Q. So you don't know if it was totally

6 legitimate or not, do you?

7 A. Don't know.

8 Q. Did you write this in your notes

9 because you thought he didn't have permission

10 to leave early?

11 A. I just wrote it in my notes.

12 Q. I'm sorry?

13 A. I just wrote it in my notes.

14 Q. Why?

15 A. I felt like it.

16 Q. Why did you feel like it?

17 MR. DILDAY: She's answered the

18 question. She felt like it.

19 MR. PORR: I'm asking if there was

20 a reason why she felt like it.

21 A. Because I was being harassed for

22 leaving while I was sick and officers leave on

23 a regular basis early. They come in late. I

24 was never late. I never left early.

1 I never had a problem coming in or

2 leaving, and, all of a sudden, I'm sick, and I

3 get written up for leaving 15 minutes early.

4 Q. All right. And so on the 12th when
5 you saw Officer Macone leaving 15 minutes
6 early, you felt that he should have been
7 written up for doing it?

8 A. No. I just felt I'd start taking
9 note of who leaves and comes early and late.

10 Q. Okay. Well, you indicate here "and
11 nothing was said to him."

12 A. Right.

13 Q. So my expectation is the reason you
14 wrote that is because you felt something
15 should have been said to him?

16 A. Right.

7. Pages 1653 – 1660:

23 Q. Okay. There's an August 13th entry
24 on your notes here.

1 A. Yes.

2 Q. And this indicates that you were
3 inside the station along with Lyn Curcio.
4 And, again, I assume that's in the radio room?

5 A. Correct.

6 Q. Okay. And Lieutenant Ford was in
7 charge of the station that day. What do you
8 mean by that?

9 A. He was in charge of the station.

10 Q. Does that mean that Lieutenant
11 Foster was not on duty that day?

12 A. I don't know what Lieutenant Foster
13 was doing.

14 Q. Okay. Would both Lieutenant Ford
15 and Lieutenant Foster have been on duty at the
16 same time in the station?

17 A. All I know is that Lieutenant Ford
18 was the officer in charge of the station that
19 day.

20 Q. And Lieutenant Foster is senior to
21 Lieutenant Ford, correct?

22 A. I don't know.

23 Q. You don't?

24 A. No.

1 Q. Isn't it true that Lieutenant
2 Foster was, in fact, senior to Lieutenant Ford
3 and by some years?

4 A. Okay. I don't know. They were
5 lieutenants. How do I know how long they've
6 been on the job for?

7 Q. Is it your testimony that
8 Lieutenant Ford was a lieutenant when you
9 showed up in February of '96?

10 A. Yes.

11 Q. And you didn't know that Lieutenant
12 Foster was senior to him? You never learned
13 that in the number of years you worked there?

14 A. I don't know.

15 Q. In any event, if Lieutenant Ford is
16 in charge of the station, what does that mean?

17 A. That he's the officer in charge.

18 Q. Okay. But what does it mean to be
19 the officer in charge?

20 A. That he's in charge of the shift
21 that day.

22 Q. Okay. So you would report to him
23 as the supervisor in charge of the shift?

24 A. Correct.

1 Q. All right. So it indicates here
2 that you observed Lyn Curcio turn on the

3 television set?

4 A. Right.

5 Q. And then you told Lyn that you had

6 been written up for the television so you

7 asked her to turn it off?

8 A. Right.

9 Q. Okay. And then Lieutenant Ford

10 said, "It's okay. I told her she could leave

11 it on." Correct?

12 A. Correct.

13 Q. So then you apparently had a

14 discussion with Lieutenant Ford about the

15 problems you were having with Lieutenant

16 Foster related to the TV, right?

17 A. Right.

18 Q. Okay. But Lieutenant Foster wasn't

19 the OIC that day. Lieutenant Ford was, right?

20 A. Right.

21 Q. Okay. So Ford says, "I'm in charge

22 and if I say it's okay, then it's okay"?

23 A. Right.

24 Q. Okay. Because he was the OIC that

1 day, right?

2 A. Right.

3 Q. All right. Why did you go to the
4 chief's office after Lieutenant Ford, who was
5 in charge of the station that day said it was
6 okay for Lyn Curcio to turn on the TV?

7 A. Why did Lieutenant Foster go to
8 captain -- to acting chief Colannino when he
9 wrote me up?

10 MR. PORR: Mr. Dilday, that's not
11 responsive.

12 THE WITNESS: No. I'm answering
13 the question.

14 MR. PORR: That's not an answer.
15 It's a question back. It's a sarcastic
16 question back. It's not related to my
17 question.

18 MR. DILDAY: Try to let her
19 explain, and then you might get your answer as
20 it comes through. I don't know what her
21 answer's going to be.

22 MR. PORR: It was a question.

23 MR. DILDAY: I don't know why she
24 went to Foster -- to Colannino. You don't

1 know why she went to Colannino.

2 A. Because I was just written up for
3 watching the TV, and they didn't follow the
4 chain of command when I was written up for
5 watching TV.

6 Had they followed the chain of
7 command, Lieutenant Foster would have went to
8 Captain Roland, and Lieutenant Foster did not
9 go to Captain Roland because I was watching
10 TV. He skipped that and he went to Chief
11 Colannino.

12 Therefore, instead of me going to
13 Captain Roland, because Chief Colannino was
14 already involved in this, I walked outside of
15 the radio room and told Chief Colannino what
16 had happened.

17 Q. And why did you bother going to the
18 chief at all when Lieutenant Ford said, "I'm
19 the OIC today and I say it's okay"?

20 A. Because maybe I'm a little
21 confused. What one OIC says is okay but the
22 other OIC is different. Double standard for
23 every single supervisor in that place. So

24 Bernie says you can't watch TV but Ford can.

1 Q. All right.

2 A. Okay? So past practice.

3 Q. So what's wrong with that?

4 A. You know, the television should be

5 allowed to be on for everybody, whether it's

6 Bernie in charge of it, whether it's Ford in

7 charge of it.

8 The television is supplied by the

9 City of Revere, it should be allowed to be

10 turned on, and certain individuals should not

11 be picked out and written up for watching

12 television.

13 Q. Now, who says it should be allowed

14 to be turned on simply because the City

15 provides it?

16 A. Well, why is it in there, Attorney

17 Porr? Why do you have --

18 MR. PORR: That's not responsive,

19 Mr. Dilday.

20 A. You're in the radio room of a

21 police department, and a control room where

22 all the operations take place, and there's a

23 television in there.

24 MR. PORR: It's not responsive,

1 Mr. Dilday.

2 MR. DILDAY: I believe she's

3 answering the best she can. It's not the

4 answer you want, but she's telling you that if

5 you can't watch the TV --

6 MR. PORR: I don't want the

7 nonresponsive answer.

8 MR. DILDAY: -- there's no reason

9 for it to be there.

10 MR. PORR: You're right. I don't

11 want the nonresponsive answer.

12 THE WITNESS: That's responsive.

13 MR. DILDAY: And I'm not going to

14 tell her to answer it any other way, Mr. Porr.

8. Pages 1660 – 1661:

15 Q. Do you think it is your prerogative

16 to determine that if there's a TV provided, it

17 has to be on, you should be allowed to watch

18 it?

19 MR. DILDAY: Objection.

20 MR. PORR: Fine. Noted.

21 (Cell phone rings.)

22 Q. Do you understand the question?

23 A. No.

24 Q. You're a patrol officer, right?

1 That's all you were is a patrol officer?

2 A. That's all I was.

3 Q. You didn't set policy for the

4 Revere Police Department, did you?

5 A. No.

6 Q. That policy was set by the chief,

7 correct?

8 A. There was no policy.

9 Q. Whatever policies existed were set

10 by the chief, correct?

11 A. There was no policy.

12 Q. To the extent any policies existed,

13 they were set by the chief, correct?

14 A. Correct.

9. Pages 1661 – 1666:

18 Q. So what difference does it make to

19 you if one lieutenant says you can watch the

20 TV and another lieutenant says you can't?

21 A. Because it's harassment.

22 Q. Why is that harassment?

23 A. Because Bernie Foster allowed

24 anybody he wanted to watch TV except for me,

1 and he wrote me up for it.

2 Q. But on the other question --

3 A. Because he didn't like me.

4 Q. Okay. That's one issue. But on

5 the issue of one lieutenant letting people

6 watch TV and another lieutenant not letting

7 them watch TV, that's not harassment, that's

8 just a difference in lieutenants, correct?

9 A. I was given an order not to watch

10 the television.

11 Q. When you were on duty with

12 Lieutenant Foster, correct?

13 A. Correct.

14 Q. That order didn't apply when you

15 were on duty with some other supervisor,

16 correct?

17 A. To me, it would.

18 Q. Why?

19 A. Because I was written up for
20 conduct unbecoming for watching the
21 television.

22 Q. By Lieutenant Foster?

23 A. It doesn't matter who I was written
24 up by. I was written up for something by a
1 superior officer, they both have the same
2 rank, they both should be on the same page.
3 They meet with each other, they concur of
4 what's going on, on that shift.

5 Q. Who says they both should be on the
6 same page?

7 A. Because that's the administration.
8 But, you're right, the administration is never
9 on the same page.

10 Q. Who says that two lieutenants have
11 to agree about whether or not the TV is on or
12 off?

13 A. Well, they certainly agreed when
14 they were assigning me on walking routes down
15 Shirley Ave. They agreed on that. That was
16 okay.

17 Q. But who says -- is there a law, is

18 there a regulation, or is there anything that
19 you can think of that says two lieutenants
20 have to agree on whether or not the TV is on?

21 MR. DILDAY: Objection.

22 Q. Can you identify anything?

23 A. There's no policy in the Revere
24 Police Department regarding the television.

1 Q. So it's up to the discretion of the
2 individual lieutenants who are OICs, correct?

3 MR. DILDAY: Objection, again.

4 A. No.

5 Q. It wasn't?

6 A. No.

7 Q. Then who was it up to? You?

8 A. Good question. The mayor. The
9 mayor of the City of Revere should have never
10 allowed for a television to be put into the
11 radio control room where all 911 calls and the
12 communication was being coming through in the
13 radio room. Okay?

14 Q. And what do you base that upon?

15 A. That's your answer. Because it
16 shouldn't have been in there.

17 Q. And what do you base that upon?

18 A. It shouldn't have been in there. I
19 base that upon it shouldn't have been in there
20 in the first place.

21 Q. Why?

22 A. Then we wouldn't have had this
23 problem. We wouldn't have had the problem
24 where Terri James wasn't allowed to watch the
1 television because it shouldn't have been in
2 there in the first place.

3 Q. And Lieutenant Foster was the only
4 one that ever did that to you?

5 A. Correct.

6 Q. Correct?

7 A. Correct.

8 Q. And the only time he ever did that
9 to you was on July 5 of '99?

10 A. Correct.

11 Q. And I have to assume that on other
12 shifts at other times with Lieutenant Foster
13 you watched the TV and he knew about it?

14 A. I didn't have a choice. I tried to
15 stop them from watching TV after I was

16 reprimanded. I followed his orders. I told
17 them to shut the TV off because that was an
18 order I was given by Lieutenant Foster. I
19 followed my rules --

20 Q. While he was on duty?

21 A. No, it wasn't for when he was on
22 duty. It was --

23 Q. How would Lieutenant Foster have
24 any ability to determine what other
1 lieutenants would do when they were in charge
2 of the station?

3 MR. DILDAY: Objection.

4 A. Because he should have moved the TV
5 out of the radio room. Because if it's not
6 good for one person, if it's not good for me
7 and he just wants to harass me about the
8 television, then it should have been removed
9 from the radio room.

10 Q. All right.

11 A. You worked for a sheriff's
12 department. Did they allow a TV in there?

10. Page 1666 – 1669:

18 Q. All right. And then you complained
19 to the chief, "Well, it's not fair because
20 Foster is singling me out and saying I can't
21 watch TV and now Ford is saying it's okay to
22 watch TV"?

23 A. Right.

24 Q. And the chief's basic response to
1 you was, "If Ford says it's okay, it's okay"?

2 A. Right.

3 Q. "And if Foster says it's not okay,
4 it's not okay"?

5 A. He said, "Go through your chain of
6 command." That's what he said.

7 Q. And in talking with the chief, you
8 walked away with the understanding that if
9 Ford says it's okay, it's okay. Right?

10 A. No.

11 Q. You didn't walk away with that
12 understanding?

13 A. My understanding was that I should
14 go through the chain of command.

15 Q. When the chief said to you, and you

16 have it in quotes, it is up to Lieutenant Ford
17 if he wants to watch the television, period,
18 unquote.

19 You understood that to mean that
20 the chief was telling you if Lieutenant Ford
21 says it's okay to watch TV, it's okay to watch
22 TV?

23 A. Right. That's how he runs his
24 police department.

1 Q. Okay. And, conversely, you also
2 understood the chief to be telling you, if not
3 certainly in words, by implication, that if
4 Lieutenant Foster says it's not okay to watch
5 TV, it's not okay to watch TV?

6 A. So if Lieutenant Foster walked in
7 on that shift and I was watching television
8 and Lieutenant Ford said it was okay, he could
9 still write me up because he's the supervisor.
10 That's okay.

11 Q. Did that ever happen?

12 A. That's okay.

13 Q. Did that ever happen?

14 A. I wasn't going to wait for that to

15 happen. I wasn't going to wait for that to
16 happen. You see the dates? I simply wasn't
17 going to wait for Lieutenant Foster to walk in
18 and the television be on and I be sitting
19 there and I get an earful again.

20 Q. Okay.

21 A. Because nobody else was ever
22 written up about the television. Nobody.

23 Q. And when the chief --

24 A. Why do you think Chief Colannino
1 turned around and took me out of the position
2 of being assigned back into the radio room
3 because Bernie Foster was wrong for writing me
4 up for watching the television in the first
5 place.

6 Q. So when the chief told you that it
7 is up to Lieutenant Ford if he wants to watch
8 the television, didn't that communicate to you
9 that if Lieutenant Ford said it was okay, and
10 when Lieutenant Ford was the OIC, that it
11 didn't matter what Lieutenant Foster thought
12 at that time?

13 A. I don't know what the chief's, you

14 know, I don't know what --

15 Q. Okay.

16 A. -- the chief's position was.

11. Pages 1669 – 1673:

21 Q. Now, we've been talking about this
22 August 13th date from page 14 of your notes,
23 and paragraph 33 also refers to a date of on
24 or about August 13. Do you see that?

1 A. Yup.

2 Q. And you were working in the radio
3 room?

4 A. Yup.

5 Q. And you indicate that you
6 experienced an act of disparate treatment. Do
7 you see that?

8 A. Yup.

9 Q. It goes on to say a male officer
10 turned on the television?

11 A. Yeah.

12 Q. Your notes say Lyn Curcio turned on
13 the television?

14 A. Okay.

15 Q. Lyn Curcio is, of course, a female
16 officer?

17 A. Right.

18 Q. So the complaint is wrong when it
19 says a male officer turned on the television,
20 isn't it?

21 A. No. Because I shut the television
22 off and Lieutenant Ford turned it back on.

23 Q. Oh, where does it say that in your
24 notes?

1 A. It doesn't say it.

2 Q. Oh. So the male officer who turned
3 the television on is actually Lieutenant Ford?

4 A. Correct.

5 Q. And he's a supervisor?

6 A. Right.

7 Q. And, in fact, on that date in
8 question, he was the officer in charge of the
9 whole station?

10 A. I don't know about the whole
11 station, but his shift.

12 Q. Well, your notes say Lieutenant

13 Steven Ford was in charge of the station that
14 day.

15 A. Yeah. The station, his men that
16 are assigned to his tour of duty.

17 Q. And you were one of those men?

18 A. Yes.

19 Q. Okay. So the lieutenant on duty
20 who did not reprimand him or ask him to turn
21 off the television is Lieutenant Ford, right?

22 A. No. Roy Colannino.

23 Q. Roy Colannino wasn't a lieutenant.

24 A. He's the captain.

1 Q. Your complaint says, "The
2 lieutenant on duty did not reprimand him or
3 ask him to turn off the television."

4 The lieutenant on duty was Steven
5 Ford, right?

6 A. Right.

7 Q. And the male officer who turned on
8 the television was Lieutenant Steven Ford?

9 A. Right.

10 Q. So what you're saying is Lieutenant
11 Steven Ford did not reprimand himself or tell

12 himself to turn off the television?

13 A. I don't know.

14 Q. I'm sorry? You're shaking your

15 head. What do you mean by that?

16 A. I don't know.

17 Q. I'm just putting the names in for

18 the descriptors you've used in your complaint

19 here. I'm just filling in the names for the

20 vague descriptors.

21 The way your complaint reads when

22 you put the names in, based upon your

23 testimony, is that Lieutenant Ford was on duty

24 and didn't reprimand himself or ask himself to

1 turn off the television.

2 Once you put the names in, isn't

3 that how it reads?

4 A. There was a male -- another -- John

5 Burke was in there too, I believe.

6 Q. Any reference to John Burke in your

7 notes of August 14th?

8 A. No.

9 Q. Did John Burke turn on the

10 television?

11 A. Somebody turned it on.

12 Q. Well, your notes say Lyn Curcio

13 turned it on.

14 A. Right.

15 Q. And then your complaint says a male

16 turned it on. And when I asked you about

17 that, you told me that Lyn Curcio turned it

18 on, you turned it off, and Lieutenant Ford

19 turned it back on; is that correct?

20 A. That's correct.

21 Q. Is that what, in fact, happened?

22 A. Yes.

12. Pages 1692 – 1693:

15 Q. Okay. Between December 7, when you

16 first contacted Dr. Barry, and then your

17 appointment on the 13th and then your

18 appointment on January 6th of 2000, had there

19 been any further incidents of harassment

20 involving Lieutenant Foster?

21 A. I'm sure. I don't remember.

22 Q. I'm sorry?

23 A. I don't remember.

24 Q. Did you say "I'm sure"?

1 A. Yeah. I'm sure. I don't remember.

2 I don't remember what occurred.

3 Q. Okay. But I want to make sure I

4 understand you. Are you saying "I'm sure"

5 meaning "I'm sure there must have been other

6 events, but I don't remember," or are you just

7 saying "I don't remember"?

8 A. I don't remember.

13. Pages 1708 –1709:

7 Q. Okay. When you went to roll call,

8 did you tell Lieutenant Santoro about what had

9 happened out in the hallway with Captain

10 Chaulk -- or, I'm sorry, in the radio room, I

11 guess it was?

12 A. Well, sergeant -- I mean, if you

13 look at my notes, Sergeant Goodwin and

14 Sergeant Doherty were standing there. After

15 roll call, I went over to Captain Chaulk and

16 Chief Roy Colannino standing in the hall and

17 asked why it's okay for the men to ride the

18 bikes --

19 THE REPORTER: I'm sorry. I can't
20 hear you.

21 A. I'm sorry. Did you want me to read
22 this?

23 Q. No. No. My question was, Did you
24 tell Lieutenant Santoro what had just happened
1 with Captain Chaulk, and I think your answer
2 was no, and then you started making reference
3 to the fact that Sergeant Goodwin and Sergeant
4 Doherty had seen that interaction occur?

5 A. Right.

14. Pages 1715 – 1717:

2 Q. Okay. And then there is, I think,
3 three entries that go together: April 20,
4 2000, May 3rd of 2000, and May 25 of 2000.
5 This involves an altercation between you and
6 Officer Kathy Lavita Fish, correct?

7 A. Correct.

8 Q. What exactly was the nature of the
9 altercation? What happened?

10 A. We discussed that in prior

11 depositions.

12 Q. Okay. Well, just to refresh my
13 recollection so I can move on with some
14 follow-up questions, what was the nature of
15 the altercation in the garage?

16 A. Again, you asked that. I refuse to
17 answer it. Go by the answer I said in the
18 previous depositions.

19 Q. And, Ms. Pechner, I'll tell you
20 that we're on like Volume VIII or IX of your
21 deposition. Each volume is several hundred
22 pages in length. And, in fact, we just
23 reviewed earlier today pages 1550 to 1560 to
24 get this deposition going.

1 I don't have 1500 pages of
2 deposition testimony committed to memory. All
3 right? I'm trying to ask a series of
4 follow-up questions and move through your
5 notes chronologically, so in order to do so --

6 A. You've already done that
7 chronologically, Attorney Porr. You've
8 already asked me that at a prior deposition.
9 So I'm just trying to help you get through

10 this deposition so we can finish it, because
11 we've already discussed it, and I've already
12 given you the answer.

13 Q. I don't recall ever asking you
14 questions about these three events. I have
15 been going through the complaint and your
16 notes chronologically for the sessions I've
17 had. I have not, to my recollection, asked
18 you about this.

19 So in order to work through these
20 notes, so if I could get a brief description
21 again of the altercation so we can go forward,
22 again, I would appreciate it.

23 Are you continuing to refuse to
24 give me a description of the altercation?

1 A. Yes.

15. Pages 1717 – 1718:

17 Q. Okay. Did you grieve or otherwise
18 appeal the discipline being imposed upon you
19 because of this reprimand?

20 A. No.

21 Q. Why not?

22 A. Wouldn't get me anywhere.

23 Q. And why do you say it wouldn't get

24 you anywhere?

1 A. I don't know.

2 Q. I'm sorry?

3 A. I don't know.

16. Pages 1718 – 1727:

23 Q. Your note on May 25, in the last

24 sentence, says, "I have come to the

1 understand" -- I think you mean understanding

2 -- "that he," which is a reference back to the

3 chief, "just does not care and that he's

4 afraid of what Lieutenant Bernard Foster has

5 under his belt..." Do you see that?

6 A. Yes.

7 Q. Is that a reference back to the

8 incident involving Bernadette?

9 A. Quite a few incidents.

10 Q. Okay. What other incidents, in

11 addition to the incident involving Bernadette,

12 are you referring to?

13 A. The way he put his son on the job.

14 Q. The way who put whose son on the
15 job?

16 A. The way Roy Colannino put his son
17 on the job.

18 Q. How did Roy Colannino put his son
19 on the job?

20 A. He put him on as a Spanish-speaking
21 officer.

22 Q. Okay. This is back in '96,
23 correct? February.

24 A. Correct.

1 Q. And what was Roy Colannino's rank
2 back in February of '96?

3 A. Captain.

4 Q. Okay. And if I understand it, to
5 get appointed as a police officer in the
6 Commonwealth of Massachusetts, you have to
7 pass a Civil Service test, correct?

8 A. Correct.

9 Q. And then you have to complete an
10 academy, correct?

11 A. Correct.

12 Q. Okay. And did Captain Colannino

13 have anything to do with Kevin Colannino

14 passing the Civil Service test?

15 A. Well, he applied for a

16 Spanish-speaking officer's position.

17 Q. Okay. And who did he apply to for

18 that Spanish-speaking officer position?

19 A. I don't know.

20 Q. Isn't that part of the Civil

21 Service process?

22 A. The exam was given at the Revere

23 High School.

24 Q. Okay. By who?

1 A. Spanish teacher.

2 Q. Okay. All right. And do you have

3 any knowledge to suggest that Captain

4 Colannino had anything to do with the giving

5 of that exam or its outcome?

6 A. Yeah. That Kevin got the job and

7 he can't speak Spanish.

8 Q. Okay. Aside from the fact that,

9 according to you, anyways, that Kevin can't

10 speak Spanish and nonetheless got the job, do

11 you have any knowledge of Captain Colannino

12 having anything to do with the exam given at

13 Revere High School?

14 A. No.

15 Q. Okay. And with respect to Kevin

16 Colannino's completing the academy, did he go

17 to the same academy you went to?

18 A. Yes.

19 Q. Did Captain Colannino have anything

20 to do with him successfully completing that

21 academy?

22 A. I don't know.

23 Q. Okay. So how is it that Captain

24 Colannino got his son appointed to the

1 Spanish-speaking position with the Revere

2 Police Department?

3 A. The same way that he got his son

4 seniority over the female officers.

5 Q. And how did he do that?

6 A. I don't know.

7 Q. So you don't know that he did that,

8 correct? You have no direct knowledge that he

9 did any of these things?

10 A. Yes. I have knowledge.

11 Q. Okay. And what knowledge do you
12 have?

13 A. That he went by scores, and he put
14 his son above people that scored higher.

15 Q. How did he do that?

16 A. I don't know.

17 Q. Okay. So you don't know that he
18 did that at all, do you?

19 A. He did do it.

20 Q. And how do you know that?

21 A. Because the list came out and Kevin
22 was on top of the list.

23 Q. Okay.

24 A. And officers that scored higher
1 than Kevin Colannino were below him.

2 Q. Who publishes the list?

3 A. Chief Colannino.

4 Q. He wasn't chief at the time.

5 A. He was acting.

6 Q. Not in '96, he wasn't.

7 A. Then his boy Russo did it.

8 Q. Why do you say "his boy Russo"?

9 A. Because that's his boy.

10 Q. Ms. James, you've got your hands in
11 front of your head and you've got your face
12 down, and madam reporter is really straining
13 to hear you, and it makes it difficult for her
14 to take down what you're saying given the
15 posture that you've adopted and your low
16 voice.

17 Can we do something about that? I
18 mean, at lease out of respect for her, if you
19 could speak up so that she could hear you.

20 A. Attorney Porr, this isn't a respect
21 thing. Okay? I have gone through nine
22 depositions. Okay? Nine. This has nothing
23 to do with respect. I've never had a problem
24 with Attorney Akerson. I've answered the
1 questions. I'm physically and mentally sick.
2 Okay?

3 Q. Are you physically --

4 A. I have a migraine. I have a
5 migraine and it's taken -- this has taken a
6 toll on me. Okay?

7 Q. Are you physically and mentally
8 sick to the point where you can't continue?

9 A. I need to finish this case and I
10 will do whatever it is that I have to, to
11 finish the case. Okay?

12 If I can't speak up because I have
13 a migraine, that's what happens when I have
14 migraines. Okay?

15 If I can't remember something that
16 you want me to answer in your way, it's
17 because I can't remember it.

18 Q. Okay.

19 A. I'm trying to do my best at this
20 deposition under the conditions. Okay?

21 Q. What conditions?

22 A. Under the conditions.

23 Q. What conditions?

24 A. That this room here is where I was
1 sworn in as a police officer. Okay?

2 Q. Okay. Would you prefer we move to
3 a different room?

4 A. You know what? I just want to get
5 the depositions over with.

6 MR. CAPIZZI: I've raised this with
7 Mr. Dilday about not doing them here because

8 of the allegations made. He prefers this for
9 his convenience. That's why we're here.
10 Mr. Akerson's depositions are supposed to be
11 conducted in Worcester.

12 We're doing it here as a
13 convenience to both Mr. Dilday and his
14 clients. I've had a brief discussion about
15 this in the past. I just want that known on
16 the record.

17 Q. Okay.

18 (Off-the-record discussion between
19 Mr. Dilday and the witness.)

20 Q. I'm trying to nail down because I'm
21 entitled to nail down the basis for your
22 statement that Captain Colannino got Kevin
23 Colannino's name at the top of the list, and
24 you said because "his boy Russo" did it, and I
1 want to know the basis for your statement "his
2 boy Russo."

3 A. There's no basis.

4 Q. Okay. All right. So given the
5 fact that I am asking you questions and you
6 are under oath and obligated to answer them

7 truthfully - all right? - I now have to back
8 up and reask a series of questions because
9 you've now told me that there's no basis for a
10 statement you just made.

11 The Civil Service list that is
12 produced, isn't it produced through the state
13 Civil Service system?

14 A. I don't know how the Civil Service
15 is produced. I was hired as a female officer.
16 Kevin Colannino was hired as a
17 Spanish-speaking officer as well as Sonia
18 Fernandez and Antonio Arcos.

19 All I know is that I was requested
20 by Chief Russo to submit my grades because
21 Lynn Malatesta and Patty Carey had put in a
22 grievance and called in the feds because Roy
23 Colannino had his son put on the job as a
24 Spanish-speaking officer.

1 Q. And my question to you is, How do
2 you know that Roy Colannino was able to do
3 that and, in fact, did do so?

4 A. I don't know.

5 Q. Okay. So while you believe that to

6 be true, you have no basis in fact for it?

7 You cannot --

8 A. Well, I have facts that Patty Carey

9 and Lynn Malatesta and the rest of the females

10 won their seniority based on that.

11 Q. I understand you won your

12 grievance. My point is you have no basis in

13 fact for alleging that Roy Colannino got his

14 son Kevin put at the top of the list?

15 A. No.

16 Q. You have no idea how that happened?

17 A. No idea.

18 Q. And you have no idea whether or not

19 Roy Colannino had anything to do with it?

20 A. No.

17. 1729 – 1733:

2 Q. Okay. And what is the Zayre tent

3 sale event or incident that you're referring

4 to?

5 A. Roy Colannino stealing stuff from

6 there.

7 Q. Okay. And how do you know that?

8 A. Just like the rest of the city

9 knows. My father-in-law was on the job.

10 MR. AKERSON: I'm sorry. I didn't

11 hear the first part of it.

12 MR. DILDAY: Just like the rest of

13 the city knows.

14 MR. AKERSON: Is that correct,

15 Ms. James?

16 THE WITNESS: Yes.

17 Q. And who's your father-in-law?

18 A. Richard James.

19 Q. And how would Richard James have

20 information that Roy Colannino was stealing

21 from the Zayre's tent sale?

22 A. My father-in-law has a lot of

23 information. He was almost killed on the job

24 because he was an honest cop.

1 Q. Richard James was a Revere police

2 officer?

3 A. Yes.

4 Q. Okay. From when to when?

5 A. I don't know.

6 Q. Can you give me a rough estimate of
7 time?

8 A. No.

9 Q. Was he on the job when you showed
10 up?

11 A. No.

12 Q. Okay. Do you have some idea of how
13 long he had been off the job when you showed
14 up?

15 A. No. He was hit off the head with a
16 rock in the '70s and there was an order put
17 out not to investigate that.

18 Q. Back up a second.

19 A. Not to look into that.

20 Q. He was hit on the head with a rock
21 in the '70s?

22 A. Yes, while working a detail.

23 Q. How do you know that?

24 A. Because he told me.

1 Q. Okay. And how do you know an order
2 was put out not to investigate that?

3 A. He told me.

4 Q. Okay. And is that the only source

5 of knowledge you have concerning this
6 hit-on-the-head-with-the-rock incident is
7 Richard James?

8 A. No.

9 Q. Okay. What other source of
10 knowledge do you have on that?

11 A. Spoke to other officers in the
12 department.

13 Q. Who?

14 A. This has nothing to do with my
15 case.

16 Q. Who? You make these broad-based
17 allegations and I'm entitled to chase them
18 down, Ms. James, so who?

19 A. Speak to Richard James. He'll tell
20 you what happened to him.

21 Q. I am speaking to you. You're here
22 at a deposition under oath. Who?

23 A. I don't remember.

24 Q. Do you know when in the '70s this
1 occurred?

2 A. No.

3 Q. Now, what information, to your

4 knowledge, does Richard James have about Chief

5 Colannino stealing from the Zayre's tent sale?

6 A. Roy stole from it.

7 Q. Okay. What did he steal?

8 A. I don't know.

9 Q. When did he steal it?

10 A. I don't know.

11 Q. What was the value of what he

12 stole?

13 A. I don't remember.

14 Q. Did he steal it alone or in

15 conjunction with somebody else?

16 A. I don't remember.

17 Q. Did Mr. Richard James tell you that

18 he witnessed him stealing these -- whatever he

19 stole?

20 A. I don't remember.

21 Q. Do you know how Richard James came

22 to know that Chief Colannino had stolen from

23 the Zayre's tent show -- tent sale?

24 A. I'll ask him again. I haven't

1 spoke about it in years.

2 Q. Okay. So as you sit here now, you

3 have absolutely no knowledge yourself
4 concerning Roy Colannino stealing anything
5 from the Zayre tent sale or anything else for
6 that matter?

7 A. No.

8 Q. And I think I was asking who the
9 other officers you spoke to were, and you said
10 what? You don't remember?

11 A. I think I spoke to Peter Bernard.

12 Q. That's Lieutenant Bernard?

13 A. Lieutenant Peter Bernard.

14 Q. When did you speak to him about
15 this?

16 A. Working the shift one night.

17 Q. What did he tell you?

18 A. I don't remember.

19 Q. Why do you say that you know what
20 everyone else in Revere knows? On what basis
21 did you make that statement?

22 A. I don't know. Finish up with what
23 you have to do with me. You'll learn. You
24 haven't been here long enough.

18. Pages 1734 – 1736:

5 Q. Okay. Do you know if Lieutenant
6 Foster knew anything about this allegation of
7 Chief Colannino stealing from the Zayre tent
8 sale?

9 A. I don't know.

10 Q. So he may not have known about that
11 at all?

12 A. His book is bigger than mine.

13 Q. Whose book is bigger than yours?

14 A. Lieutenant Foster.

15 Q. And what do you mean by that?

16 A. The corruption that went on in
17 there. People took note of it.

18 Q. Are you saying Lieutenant Foster
19 has kept a book or a log or notes like your
20 notes of perceived corruption with the Revere
21 Police Department?

22 A. Yes.

23 Q. Have you seen that log, book,
24 notes, whatever it is?

1 A. I don't remember.

2 Q. Then how do you know he has such a

3 book?

4 A. I don't remember.

5 Q. What corruption are you referring
6 to?

7 A. I don't know.

8 Q. Do you have some other set of
9 notes, other than the ones we're looking at
10 here, detailing corruption on the part of the
11 Revere Police Department?

12 A. No.

13 Q. Do you believe that these notes
14 detail acts of corruption on the part of the
15 Revere Police Department?

16 A. No.

17 Q. Have you personally witnessed any
18 acts -- corrupt acts by any officer of the
19 Revere Police Department?

20 A. I don't remember.

21 Q. Have you reported to any state law
22 enforcement agency your belief that there has
23 been corruption with the Revere Police
24 Department?

1 A. No.

2 Q. Have you reported to any federal
3 agency your belief that there has been
4 corruption with the Revere Police Department?

5 A. No.

19. Pages 1736 – 1743:

11 Q. There's a June 3rd entry, June 3rd
12 of 2000. Do you see that entry?

13 A. Yes.

14 Q. Okay. You indicate that Officer
15 John Burke was late for work. Do you know why
16 he was late for work?

17 A. No.

18 Q. Do you know if he had talked to his
19 supervisor about why he was late for work?

20 A. No.

21 Q. So you don't know whether or not he
22 was late for good reason that was excused by
23 the department or not, do you?

24 A. Certain officers, when they're
1 late, there's a log entry put into the
2 computer. There was no log entry in the

3 computer that Officer Burke was late.

4 Q. How do you know that?

5 A. Once again, it's a double standard.

6 Q. How do you know that?

7 A. Because I know.

8 Q. And how do you know?

9 A. Because I looked at the roster.

10 Q. And what roster did you look at?

11 A. The date he was late.

12 Q. When did you do that?

13 A. I don't remember.

14 Q. Were you working the same shift
15 with Officer Burke?

16 A. Apparently, I was if I wrote it in
17 here that he was late for work.

18 Q. Okay. And I assume that you were
19 timely and at roll call, and he was late, and
20 then after the roll call you accessed the
21 City's computer to determine whether or not a
22 late entry had been made with respect to him,
23 correct?

24 A. Correct.

1 Q. Were you authorized to do so?

2 A. Look at the rosters.

3 Q. My question was, were you

4 authorized to do so?

5 A. I was never unauthorized to do so.

6 Q. Were you explicitly authorized to

7 check Officer Burke's records in this regard?

8 A. It's not Officer Burke's records.

9 It would be on the roster for the day. Or

10 there would be a log entry just like

11 Lieutenant Foster made a log entry about me

12 leaving 15 minutes early. So that's public

13 information.

14 Q. I see. Okay. And if an officer

15 had a legitimate reason for being late or

16 leaving early, would there necessarily be a

17 log entry reflecting that?

18 MR. DILDAY: Objection.

19 A. I had a legitimate reason to leave

20 and I got a log entry.

21 Q. Apparently, Lieutenant Foster

22 didn't think it was legitimate, did he?

23 A. That's Lieutenant Foster.

24 Q. And, apparently, when you talked to

1 the chief about it --

2 A. But Lieutenant Foster hangs out and
3 drinks beer and they're buddy buddy with John
4 Burke so... But if you ask Officer Malatesta,
5 she was noted for being late on quite a few
6 occasions. See, I didn't have that problem
7 because I was always on time for work. I
8 wasn't a tardy person.

9 Q. Was Lieutenant Foster on duty as
10 the OIC on June 3rd of 2000 when Officer Burke
11 was late for work?

12 A. I don't know.

13 Q. And so back to my question. If an
14 officer was either late or left early but did
15 so with permission and good cause, would that
16 necessarily be recorded in the log?

17 MR. DILDAY: Objection.

18 A. Are you asking like when
19 supervisors let officers go and get law
20 degrees while they're working? I'm quite
21 confused. If you can fix that question.
22 Because, you know, you're looking
23 at somebody who was late but yet -- so some

24 officers it's okay for, you know, officers to
1 go and get their degree while they're working
2 in the Revere Police Department.

3 Other officers are written up for
4 leaving sick. Okay? I'm answering your
5 question. It's not practice. If he was late,
6 it should have been logged into the roster.

7 Whether he was late for reason,
8 whether he wasn't late for a reason, it didn't
9 make a difference. He was late. He should
10 have been logged in just like everybody else
11 did. Whatever his excuse was, he should have
12 been logged in.

13 When somebody leaves early, if they
14 leave early for a detail and they're getting
15 paid for a detail and they leave 15 minutes
16 early, they're getting paid from the City and
17 then they're getting paid for a detail.

18 Q. Okay. So can you give me examples
19 of officers who left early to go on a detail
20 and basically got paid double time?

21 A. That's why you'll have to look at
22 the records. You have those records.

23 Q. So you can't give me one?

24 A. You have those records.

1 Q. But you can't give me one as you

2 sit here now?

3 A. No.

4 Q. Okay. Now, with respect to Officer

5 Burke here, my question is, Other than the

6 fact that he was late, you have no idea

7 whether or not that tardiness was excused or

8 maybe there was a valid reason work related

9 that you're unaware of?

10 A. I already answered the question.

11 Q. And your answer was?

12 A. Certain people were allowed to

13 leave early and come in late.

14 Q. So is John Burke one of these

15 persons that was allowed to come in late?

16 A. Yes.

17 Q. Okay. And why do you say that?

18 A. Because he was Lieutenant Foster's

19 buddy, drinking partner.

20 Q. Okay. And so Lieutenant Foster had

21 a special relationship with Officer Burke that

22 allowed him to come in late?

23 A. Right.

24 Q. How often did Officer Burke come in
1 late pursuant to that special relationship?

2 A. I don't know.

3 Q. Did you complain about this special
4 relationship to anybody?

5 A. No.

6 Q. To your knowledge, did anybody else
7 complain about this special relationship to
8 anybody?

9 A. I don't know.

10 Q. Did Officer Burke have this special
11 relationship with any of the other supervisors
12 in the Revere Police Department?

13 A. I don't know.

14 Q. Did Lieutenant Foster have a
15 special relationship with any other officers,
16 other than Officer Burke, that allowed them to
17 come in late or leave early?

18 A. Officer Ciampoli came in when he
19 felt like it.

20 Q. What shift did Officer Ciampoli

21 work on when you observed this conduct?

22 A. Day shift.

23 Q. And who was the supervisor?

24 A. I don't know.

1 Q. And how do you know that Officer

2 Ciampoli could come in when he felt like it?

3 A. I seen him come in after roll call.

4 Q. And did you know why he was coming

5 in after roll call?

6 A. Because he was allowed to do that.

7 Q. But on the days that you saw him

8 coming in late for roll call, did you know

9 why?

10 A. No.

11 Q. So the only thing you knew is that

12 he was late for the scheduled time for roll

13 call?

14 A. Right.

15 Q. Okay. And you have no idea whether

16 he was late because he was just slow getting

17 out the door and getting to work or he was

18 late because the chief had him doing something

19 else and made him late?

20 A. Yeah.

20. Pages 1747 – 1749:

2 Q. Okay. Now, you note here that

3 Officer Patrick Cappola was never suspended.

4 What's the significance to that note?

5 A. Because nothing's ever done.

6 Q. Do you think him going into the

7 women's locker room warranted a suspension?

8 A. Absolutely.

9 Q. And why do you say that?

10 A. What if she was naked? It's a

11 women's locker room. I have never heard of

12 one of the females walking into the males'

13 locker room in that Revere Police Department.

14 Whether there's a sign on there or there isn't

15 a sign, not one time in the whole time I

16 worked in that police department did I ever

17 walk into the males' locker room.

18 Q. Okay. So, at a minimum, you

19 felt --

20 A. What if she was standing there

21 naked? What if that was your daughter

22 standing there naked?

23 Q. So, at a minimum, you felt he

24 should have been suspended?

1 A. Absolutely.

2 Q. How many days?

3 A. I don't know. Then his wife was

4 threatening her. His wife was threatening

5 her.

6 Q. Not there yet. How many days do

7 you think he should have been suspended?

8 A. I'm not the chief. I'm a patrol

9 officer.

10 Q. I understand you're a patrol

11 officer.

12 A. I'm an Indian. I don't make those

13 decisions. That's what the superior officers

14 are supposed to do. They're supposed to make

15 the decisions when incidents like this

16 happened to us.

17 Q. Okay.

18 A. Do I know what happened? Probably

19 nothing, just like nothing happened with my

20 incidents.

21 Q. Well, something happened with the
22 incident from August of '97. You got
23 transferred to another shift, correct?

24 A. Right.

1 Q. Okay. Now, you put in your notes
2 here Officer Patrick Cappola was never
3 suspended. And realizing that you're an
4 Indian, you nonetheless expressed the opinion
5 that he should have been suspended.

6 My question is, How many days?
7 What do you think that was worth?

8 A. It's not -- I don't have an
9 opinion.

10 Q. Okay. Do you think it was an
11 offense that warranted termination?

12 A. I don't have an opinion.

21. Pages 1749 – 1750:

13 Q. Okay. Now, you indicate here a
14 short time after this Kelly McKenna was
15 threatened by Officer Pat Cappola's wife. How
16 do you know that?

17 A. She told me.

18 Q. Kelly McKenna told you?

19 A. Correct.

20 Q. You weren't present when this

21 alleged threat occurred?

22 A. I don't remember.

23 Q. Okay. And what did Kelly tell you

24 about this alleged threat?

1 A. I don't remember.

2 Q. Well, wait a minute. It says, "I

3 am well aware of this incident because I was

4 the reporting officer." Do you see that?

5 A. There you go. You answered your

6 own question.

Questions by Attorney Michael Akerson

22. Pages 1755 – 1756:

19 Q. Do you recall anyone else who was

20 present when Mr. Richard James allegedly told

21 you that Roy Colannino allegedly stole stuff

22 from Zayre's tent sale?

23 A. No. But that was also -- that was

24 also a rumor in the police department.

1 Q. Do you recall my question?

2 A. Was there anybody else present?

3 Q. That was my question.

4 A. And I said I don't know if my

5 husband was there. That was -- that was it.

6 That was my answer.

7 Q. I know you said you're not sure if

8 your husband was there. Was anyone else

9 present?

10 A. No.

23. Pages 1756 – 1757:

11 Q. Do you know if Richard James told

12 you that he had reported Roy Colannino's

13 actions specifically with regard to allegedly

14 taking property from the Zayre's tent sale to

15 any law enforcement entities?

16 A. I'm not sure what he reported and

17 who he reported it to.

18 Q. All right. Is your --

19 A. But he almost lost his life for his

20 integrity. So I can't sit here and speak for

21 what my father-in-law did while he was on the

22 job.

23 Q. Okay. My question was, Did

24 Mr. James inform you that he had reported Roy

1 Colannino's alleged theft of stuff from the

2 Zayre tent sale to any law enforcement entity?

3 A. No.